

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Nautilus Insurance Company, an
Arizona corporation,

Civil No. 07cv4054(DSD/JJG)

Plaintiff,

v.

ORDER

Eric W. Evans, a Minnesota citizen; Alta
Heating and Plumbing, Inc., a Minnesota
corporation; Clearwater Plumbing and
Heating, Inc., a Minnesota corporation;
and Franz Homes, Inc., a Minnesota
corporation,

Defendants.

This cause came on for hearing on the motion of Plaintiff Nautilus Insurance Company for default judgment, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure. The Complaint was filed with this Court on September 21, 2007. Based on Affidavits of Service submitted to this Court, the Summons and Complaint were duly served on Defendants Eric W. Evans, Alta Heating and Plumbing, Inc., Clearwater Plumbing and Heating, Inc., and Franz Homes, Inc., on September 24, 2007. No answer or other defense has been filed by Defendants Eric W. Evans, Alta Heating and Plumbing, Inc., Clearwater Plumbing and Heating, Inc., and Franz Homes, Inc. Default was entered on December 11, 2007 in the office of the Clerk of this Court, and no proceedings have been taken by the Defendants Eric W. Evans, Alta Heating and Plumbing, Inc., Clearwater Plumbing

and Heating, Inc., and Franz Homes, Inc. since default was entered. It is hereby ordered, adjudged and decreed:

1. That Plaintiff Nautilus Insurance Company has no duty defend Franz Homes, Inc., or any other Defendant relative to the lawsuit initiated by Eric W. Evans referenced in Nautilus' Complaint on file with this Court;

2. That Plaintiff Nautilus Insurance Company has no duty to indemnify Franz Homes, Inc., or any other Defendant relative to the lawsuit initiated by Eric W. Evans referenced in Nautilus' Complaint on file with this Court;

3. That Plaintiff Nautilus Insurance Company may withdraw the defense provided for Franz Homes, Inc., relative to the lawsuit initiated by Eric W. Evans referenced in Nautilus' Complaint on file with this Court; and

4. That Plaintiff Nautilus Insurance Company be awarded its costs against Franz Homes, Inc. only with interest in the above-captioned matter.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 25, 2008

s/David S. Doty
David S. Doty, Judge
United States District Court